

REMARKS

This is a full and timely response to the outstanding Office action mailed November 10, 2003. Claims 1-15 remain pending in the present application. Applicants have amended claims 1, 7, 14, and 15 as indicated above. No new matter has been added to the present application.

I. Claims 1-15 are Patentable over U.S. Pat. No. 5,948,040

A. Claims 1-6

The Office Action rejects claims 1-6 under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,948,040 to DeLorme *et al.* For the reasons set forth below, Applicants respectfully traverse the rejection.

Independent claim 1 recites:

1. (Currently Amended) A system for processing reservations, comprising:
 - a reservation processing unit *located at a retail location* and configured to track and process customer reservations;
 - receiving means for receiving data transmitted via electromagnetic waves, the receiving means being operatively disposed with the reservation processing unit; and
 - a remote access unit having a memory configured to store customer identification information and a low-power transmitter adapted to transmit the customer identification information to the receiving means, the remote access unit further having a manually-operated transmit button and a controller, responsive to the transmit button, to controllably retrieve customer identification information from the memory and transmit the customer identification information from the low-power transmitter.

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. *See, e.g., E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988).

Applicants respectfully submit that independent claim 1 as amended is allowable for at least the reason that *DeLorme* does not disclose, teach, or suggest at least the element/feature of a reservation processing unit *located at a retail location*. Unlike the system of claim 1, *DeLorme* discloses a reservation processing system where a remote access unit communicates with a central reservation processing unit (through a service provider) which is, in turn, in communication with the entity holding the reservation, i.e. the restaurant. *DeLorme* teaches that “TRIPS WCUs 907 facilitate two way communications at 903 of standard TRIPS data packets 939 with at least one TRIPS travel information and service provider.” Column 72, lines 12-15. *DeLorme* further teaches that “[t]he TRIPS service bureau or provider 904 in Fig. 9 receives the simplified input or remote queries, which get processed by series or sequences of TRIPS geographic, temporal, topical, and accounting operations – as generally delineated heretofore with particular reference to Fig. 4.” Column 73, lines 41-45; col. 74, lines 38-44; col. 74, lines 45-47; and col. 77 lines 35-37. Applicants submit, therefore, that *DeLorme* discloses a system which is different than the limitation of claim 1 because that system uses a central system of processing reservations, whereas claim 1 teaches a communication link between the remote unit and the retail location.

Therefore, Applicants submit that independent claim 1 is patentable over the *DeLorme* patent for at least the reason that the *DeLorme* patent does not teach, disclose, or suggest this feature. Because independent claim 1 as amended is allowable over the prior art of record, dependent claims 2-6 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 2-6 contain all the steps/features of independent claim 1. *See Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299

(Fed. Cir. 2002) *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Accordingly, Applicants respectfully request that the rejection to claims 1-6 be withdrawn and the claims be allowed.

B. Claims 7-13

The Office Action rejects claims 7-13 under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,948,040 to DeLorme *et al.* For the reasons set forth below, Applicants respectfully traverse the rejection.

Independent claim 7 recites:

7. (Currently Amended) A method for processing reservations comprising the steps of:
 - receiving a transmitted electromagnetic signal including customer identification information at a receiver ***located at a retail location***;
 - retrieving the customer identification information from the transmitted electromagnetic signal;
 - updating reservation information using the customer identification information; and
 - providing a notification that the customer is about to arrive.

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. *See, e.g., E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988).

Applicants respectfully submit that independent claim 7 as amended is allowable for at least the reason that *DeLorme* does not disclose, teach, or suggest at least the element/feature of a reservation processing unit ***located at a retail location***. Unlike the system of claim 7, *DeLorme* discloses a reservation processing system where a remote access unit communicates with a central reservation processing unit (through a service provider) which is, in turn, in

communication with the entity holding the reservation, i.e. the restaurant. *DeLorme* teaches that “TRIPS WCUs 907 facilitate two way communications at 903 of standard TRIPS data packets 939 with at least one TRIPS travel information and service provider.” Column 72, lines 12-15. *DeLorme* further teaches that “[t]he TRIPS service bureau or provider 904 in Fig. 9 receives the simplified input or remote queries, which get processed by series or sequences of TRIPS geographic, temporal, topical, and accounting operations – as generally delineated heretofore with particular reference to Fig. 4.” Column 73, lines 41-45; col. 74, lines 38-44; col. 74, lines 45-47; and col. 77, lines 35-37. Applicants submit, therefore, that *DeLorme* discloses a system which is different than the limitation of claim 7 because that system uses a central system of processing reservations, whereas claim 7 teaches a communication link between the remote unit and the retail location.

Therefore, Applicants submit that independent claim 7 is patentable over the *DeLorme* patent for at least the reason that the *DeLorme* patent does not teach, disclose, or suggest this feature. Because independent claim 7 as amended is allowable over the prior art of record, dependent claims 8-13 (which depend from independent claim 7) are allowable as a matter of law for at least the reason that dependent claims 8-13 contain all the steps/features of independent claim 7. See *Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002) *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Accordingly, Applicants respectfully request that the rejection to claims 8-13 be withdrawn and the claims be allowed.

C. **Claim 14**

The Office Action rejects claim 14 under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,948,040 to DeLorme *et al.* For the reasons set forth below, Applicants respectfully traverse the rejection.

Independent claim 14 recites:

14. (Currently Amended) A system for remotely processing reservations, comprising:

a reservation processing unit ***located at a retail location***, configured to receive customer identification information from a remote access unit having a memory configured to store customer identification information and a low-power transmitter adapted to transmit the customer identification information, the remote access unit further having a manually-operated transmit button and a controller responsive to the transmit button to controllably retrieve customer identification information from the memory and transmit the customer identification information from the low-power transmitter; and

receiving means associated with the reservation processing unit for receiving data transmitted via electromagnetic waves.

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. *See, e.g., E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988).

Applicants respectfully submit that independent claim 14 as amended is allowable for at least the reason that *DeLorme* does not disclose, teach, or suggest at least the element/feature of a reservation processing unit ***located at a retail location***. Unlike the system of claim 14, *DeLorme* discloses a reservation processing system where a remote access unit communicates with a central reservation processing unit (through a service provider) which is, in turn, in communication with the entity holding the reservation, i.e. the restaurant. *DeLorme* teaches that “TRIPS WCUs 907 facilitate two way communications at 903 of standard TRIPS data packets 939 with at least one TRIPS travel information and service provider.” Column 72, lines 12-15.

DeLorme further teaches that “[t]he TRIPS service bureau or provider 904 in Fig. 9 receives the simplified input or remote queries, which get processed by series or sequences of TRIPS geographic, temporal, topical, and accounting operations – as generally delineated heretofore with particular reference to Fig. 4.” Column 73, lines 41-45; col. 74, lines 38-44; col. 74, lines 45-47; and col. 77, lines 35-37. Applicants submit, therefore, that *DeLorme* discloses a system which is different than the limitation of claim 14 because that system uses a central system of processing reservations, whereas claim 14 teaches a communication link between the remote unit and the retail location.

Therefore, Applicants submit that independent claim 14 is patentable over the *DeLorme* patent for at least the reason that the *DeLorme* patent does not teach, disclose, or suggest this feature.

D. Claim 15

The Office Action rejects claim 15 under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,948,040 to DeLorme *et al.* For the reasons set forth below, Applicants respectfully traverse the rejection.

Independent claim 15 recites:

15. (Currently Amended) A computer readable storage medium containing program code for controlling the operation of a system for providing remote processing of reservations, the system comprising:
a reservation processing unit *located at a retail location*;
receiving means for receiving data transmitted via a electromagnetic waves; and
a remote access unit having a memory configured to store customer identification information and a low-power transmitter adapted to transmit the customer identification information to the receiving means, the remote access unit further having a manually-operated transmit button and a controller, responsive to the transmit button, to controllably retrieve customer identification information

from the memory and transmit the customer identification information from the low-power transmitter.

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. *See, e.g., E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988).

Applicants respectfully submit that independent claim 15 as amended is allowable for at least the reason that *DeLorme* does not disclose, teach, or suggest at least the element/feature of a reservation processing unit ***located at a retail location***. Unlike the system of claim 15, *DeLorme* discloses a reservation processing system where a remote access unit communicates with a central reservation processing unit (through a service provider) which is, in turn, in communication with the entity holding the reservation, i.e. the restaurant. *DeLorme* teaches that “TRIPS WCUs 907 facilitate two way communications at 903 of standard TRIPS data packets 939 with at least one TRIPS travel information and service provider.” Column 72, lines 12-15. *DeLorme* further teaches that “[t]he TRIPS service bureau or provider 904 in Fig. 9 receives the simplified input or remote queries, which get processed by series or sequences of TRIPS geographic, temporal, topical, and accounting operations – as generally delineated heretofore with particular reference to Fig. 4.” Column 73, lines 41-45; col. 74, lines 38-44; col. 74, lines 45-47; and col. 77, lines 35-37. Applicants submit, therefore, that *DeLorme* discloses a system which is different than the limitation of claim 15 because that system uses a central system of processing reservations, whereas claim 15 teaches a communication link between the remote unit and the retail location.

Therefore, Applicants submit that independent claim 15 is patentable over the *DeLorme* patent for at least the reason that the *DeLorme* patent does not teach, disclose, or suggest this feature.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that pending claims 1-15 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



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